

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on March 23, 1999 at 2:40 P.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Ken Mesaros, Chairman (R)
Sen. Tom A. Beck (R)
Sen. Al Bishop (R)
Sen. William Crismore (R)
Sen. Steve Doherty (D)
Sen. Pete Ekegren (R)
Sen. Jon Ellingson (D)
Sen. Bea McCarthy (D)
Sen. Chuck Swysgood (R)
Sen. Jack Wells (R)

Members Excused: Sen. Mike Taylor, Vice Chairman (R)
Sen. Eve Franklin (D)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Adrienne Pillatzke, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 478, 3/23/1999; HB 550,
3/23/1999; HB 267, 3/23/1999;
HB 548, 3/23/1999; HB 629,
3/23/1999

Executive Action: HB 435; HB 488; HB 20; HB 26;
HB 629; HB 314; HB 316; HJR 4;
HB 438; HB 440; HB 633; HB
533; HB 534; HB 478; HB 550;
HB 548; HB 267; HB 315

EXECUTIVE ACTION ON HB 435

Leanne Kurtz entered amendment HB043501.ALK, **EXHIBIT(fis65a01)**.

Motion/Vote: SEN. BECK moved that **AMENDMENT HB043501.ALK BE ADOPTED**. Motion carried unanimously.

Motion/Vote: SEN. DOHERTY moved that **HB 435 BE CONCURRED IN AS AMENDED**. Motion carried unanimously.

{Tape : 1; Side : A; Approx. Time Counter : 3.3}

EXECUTIVE ACTION ON HB 488

Motion/Vote: SEN. CRISMORE moved that **HB 488 BE TABLED**. Motion carried 6-4 with Bishop, Doherty, Swysgood, and Wells voting no.

{Tape : 1; Side : A; Approx. Time Counter : 6.5}

EXECUTIVE ACTION ON HB 20 AND HB 26

Leanne Kurtz entered amendment HB002001.alk, **EXHIBIT(fis65a02)**.

SENATOR DOHERTY noted he is not offering page 2, subsection C. He said not to include the subsection in the amendment.

Leanne Kurtz said the reason for the two bills initially was because CI-75. She used the amendment to move everything from HB 26 into HB 20. She said the language in bold and underline are Senator Doherty's amendment and the language in regular font is the language from HB 26 which is being moved into HB 20.

Motion: SEN. DOHERTY moved that **AMENDMENT HB002001.ALK WITH EXCEPTION OF SUBSECTION C BE ADOPTED**.

Discussion:

SENATOR DOHERTY explained the amendment.

Substitute Motion: SEN. DOHERTY made a substitute motion to **CHANGE "RECEIVED" TO "COMMITTED" BE AMENDED**.

Discussion:

SENATOR DOHERTY explained why he amended the wording.

SENATOR BECK said he would like to see "releasing the Department from the obligation to proceed with the project if it is determined to be infeasible" to be struck. He does not think there will be anything done on this until after the next legislative session meets. He said by the time the next session meets they will know if the Federal Funds are available and what the stamp will bring in.

SENATOR DOHERTY explained the reason for the language.

Substitute Motion: **SEN. DOHERTY** made a substitute motion to **STRICK SUBSECTION B BE ADOPTED.**

Discussion:

SENATOR BECK asked to change the title "released the Department from obligation to proceed with the project if it is determined to be infeasible".

SENATOR DOHERTY said to make the change in the title as well.

SENATOR MCCARTHY asked Senator Doherty to explain what the amendment would do. **SENATOR DOHERTY** said the amendment would collapse HB 26 into HB 20. He said the bold type is the amendments which he suggested to collapse into HB 20. He explained what would be changed from the current language in HB 26.

SENATOR WELLS asked about HB 26, page 2, lines 13-18. He asked if the amendment includes the cost incurred and a list of all bodies of water which the fish would be planted. He did not see it in the amendment. **SENATOR DOHERTY** referred the question to Leanne Kurtz. **Leanne Kurtz** explained the section he was questioning is in subsection 7 and 9 of the amendment. **SENATOR WELLS** said the amendment basically incorporates everything from HB 26 to HB 20. **Leanne Kurtz** said the intention is to do that and then if the committee chooses to table HB 26 so there is one bill.

SENATOR WELLS said the sponsor is not in favor of combining the two bills. He wondered if there was any reason not to accept the amendments.

Vote: Motion **carried 9-3 with Ekegren, Swysgood, and Wells voting no.**

Motion/Vote: **SEN. BECK** moved that **HB 20 BE CONCURRED IN AS AMENDED. Motion carried unanimously.**

Motion/Vote: SEN. MCCARTHY moved that HB 26 BE TABLED. Motion carried 9-3 with Beck, Ekegren, and Swysgood voting no.

{Tape : 1; Side : A; Approx. Time Counter : 21.4}

HEARING ON HB 478

Sponsor: REPRESENTATIVE GEORGE GOLIE, HD 44, Great Falls

Proponents: Jim McDermand, Montana Wildlife Federation
Ben Deeble, Big Sky Upland Bird Association
Bob Lucas, Big Sky Upland Bird Association
Stan Frasier, MT Wildlife Federation and Billings
Rod and Gun Club
Gary Sturm, Prickly Pear Sportsmen
Tom Carroll, Self
Pete Sesselman, Pheasants Forever

Opponents: Scott Moscato, Eagle Nest Lodge and Outfitters
Janice French, MT Game Bird Association
Wayne Stahl, Saco, MT
Bob Pasha, Shonkin Creek Ranch
John Schipf, Highwood, MT
General Bruce Bramlett, Fort Benton
Roy Ereaux, Malta
Dennis Kavanagh, Outfitting
Larry Surber, Ranching Outfitting
John Kowalski, Outfitting
John Mundinger, MT Stockgrower's Association
Nick Forester, Owner of Lodges
SENATOR DUANE GRIMES, SD 20, Clancy
Jean Johnson, MT Outfitters and Guides
Mary Ellen Schnur, Gold West Country
Tony Fowler, Conrad
SENATOR JON TESTER, SD 45, Big Sandy
Bob Gilbert, North West Farm Credit Association
SENATOR DEBBIE SHEA, SD 18, Butte
Representative John Witt, HD89, Carter

Informational: Pat Graham, Fish, Wildlife and Parks

Opening Statement by Sponsor:

REPRESENTATIVE GEORGE GOLIE, HD 44, Great Falls said HB 478 is an act limiting the nonresident upland game licenses sold providing that the licenses are awarded to a drawing, increasing license fee to \$110 and directing some of the added fee collected to the

block management program. He said the intent of the legislation is to preserve the opportunity of the resident Montanan to hunt upland birds. He said in 1998, 4,090 nonresident upland bird licenses sold compared to 9,397 in 1997, and an estimated 10,250 in 1998. The additional hunters have put resident hunters in direct competition for available private land to hunt resulting in leasing of private land by outfitters and nonresidents. He said the present fee of \$55 for nonresident upland game bird licenses is too low. He entered a handout, **EXHIBIT(fis65a03)**.

Proponents' Testimony:

Jim McDermand, Montana Wildlife Federation, entered written testimony, **EXHIBIT(fis65a04)**.

Ben Deeble, Big Sky Upland Bird Association, said the association is pleased with the legislative effort to limit the availability and increase the price of nonresident upland bird licenses by HB 478. The upland bird hunting by nonresidents has increased dramatically in the last decade. He said by doubling the nonresident fee to \$110 while reducing license availability to the proposed 7,500 should increase agency revenue. Montana needs to work to foster our own resident hunting population. We cannot expect young Montanans to join the ranks if the sport is too expensive or difficult to find good quality bird hunting areas to learn how to hunt.

Bob Lucas, Big Sky Upland Bird Association, provided written testimony, **EXHIBIT(fis65a05)**.

Stan Frasier, MT Wildlife Federation and Billings Rod and Gun Club, believed there should be a cap of nonresident licenses. He commented on requests for increases in net client hunting usage to the Montana Board of Outfitters. The request total up to over 50,000 acres of land which would be leased for exclusive use of outfitters. He said it is a real problem in the state and there must be some type of cap on the licenses.

Gary Sturm, Prickly Pear Sportsmen's Association, asked the committee to support the bill.

Tom Carroll, Self, emphasized the increase in hunter interest over the past 10 years. He said the total number of upland bird hunting NCHU's current numbers 103. He said the situation will lead to more leased land and less hunting opportunity for resident Montanans. He said the cap of 7,500 is a reasonable middle figure that has no effect on the over 26,000 bird licenses available through combination applications. He said our \$55 price tag is the cheapest in the region.

Pete Sesselman, Pheasants Forever, said HB 488 will be a breath of fresh air for the Montana hunter and the landowner.

{Tape : 1; Side : A; Approx. Time Counter : 39.9}

Opponents' Testimony:

Scott Moscato, Eagle Nest Lodge and Outfitters, entered written testimony, **EXHIBIT(fis65a06)**, witness statement, **EXHIBIT(fis65a07)**, and handout, **EXHIBIT(fis65a08)**.

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Janice French, MT Game Bird Association, entered letter by Floyd Blair, **EXHIBIT(fis65a09)**. In 1985, she and her husband established a shooting preserve on the Judith River. She explained their business. She said their business keeps them in agriculture.

Wayne Stahl, Saco, MT, entered written testimony, **EXHIBIT(fis65a10)** and a letter from Lonnie Link, **EXHIBIT(fis65a11)**.

Bob Pasha, Shonkin Creek Ranch, entered outline of testimony, **EXHIBIT(fis65a12)**.

John Schipf, Highwood, MT, entered witness statement, **EXHIBIT(fis65a13)** and letter, **EXHIBIT(fis65a14)**.

General Bruce Bramlette, Fort Benton, entered written testimony, **EXHIBIT(fis65a15)**.

Roy Ereaux, Malta, said HB 478 is a dangerous precedence that is flawed from the outset. It assumes that the problem of access and crowded bird hunting lies solely with the nonresident hunter and therefore limiting them will solve the problem. The losers, besides nonresidents, are the small businesses in small towns of rural Montana. The businesses are losing 2,700 cash customers. The solution is to develop in stock areas like block management, CRP and other quality habitat, this falls under the Wildlife Management and is a responsibility of the Fish, Wildlife and Parks.

Dennis Kavanagh, Outfitting, entered written testimony, **EXHIBIT(fis65a16)**.

Larry Surber, Ranching and Outfitting, opposed HB 478. He said if capped at 7,500 it will prevent 2,100 hunters from coming to

Montana. Montana will lose 19,036,500 in economic stimulant. He said by turning away 2,100 hunters, the FWP will be short \$231,000.

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John Kowalski, Outfitting, entered witness statement, **EXHIBIT(fis65a17)**.

John Mundinger, MT Stockgrower's Association, said this issue was considered by the Private Land Public Wildlife Council and was rejected. He stated nothing was said by the proponents suggesting a resource problem when it comes to upland game bird management. He said access to hunt on private land is pertinent to the private property; it is not a public resource.

Nick Forester, Owner of Lodges, said if HB 478 is passed, the legislature is putting him out of business. He said the Board of Outfitters has regulations in place to govern this issue.

SENATOR DUANE GRIMES, SD 20, Clancy, entered a letter from Townsend Area Chamber of Commerce, **EXHIBIT(fis65a18)**.

Jean Johnson, MT Outfitters and Guides, opposed HB 478.

Mary Ellen Schnur, Gold West Country, entered written testimony, **EXHIBIT(fis65a19)**.

Tony Fowler, Conrad, said the cap is not a bad idea. Raising the price of the license is not a bad idea. He has hunters which have hunted with him for eight and ten years. He has groups hunters who come together. If one person does not get a license then the whole party will not come. He said if he goes out of business, it will directly affect Conrad.

SENATOR JON TESTER, SD 45, Big Sandy, opposed HB 478. He said it is important that the landowners have an opportunity to diversify their income and HB 478 takes away from that opportunity.

Bob Gilbert, North West Farm Credit Association said because of the economic impact on the barrows of Farm Credit services, they oppose HB 478.

SENATOR DEBBIE SHEA, SD 18, Butte, said it is time that Montana quits micro managing small community's economic life.

REPRESENTATIVE JOHN WITT, HD89, Carter, said this is important to the economy in his community. The farmers and ranchers are the people who provide the habitat and support for upland birds.

Informational:

Pat Graham, Fish, Wildlife and Parks, entered written testimony, **EXHIBIT**(fis65a20).

Questions from Committee Members and Responses:

SENATOR DOHERTY asked if Montana has a limit on out-of-state big game hunters. **Pat Graham** said Montana has a limit.

SENATOR DOHERTY asked if it was a biological limit that is set or does that have something to do with the amount of out-of-state people and of in-state people competing for the resource. **Pat Graham** replied the limit was set back in the 1970's. He understands it was selected based on the amount of people hunting at that time. He assumed it was done because of conflicts between resident and nonresident hunters.

SENATOR DOHERTY asked when are they going to put a limit on the number of out-of-state bird hunters. **Pat Graham** responded that he could not give the committee a date. He said some people would say the date has long since past while others would say it won't be here for some time in the future. It is a value judgement depending on your point of perspective.

SENATOR DOHERTY asked when is it enough for the resources if in ten years the legislature has established a limit on the licenses after being doubled. **Pat Graham** replied his frustration is to find a solution which doesn't create winners and losers. He said both sides are often set in their position on what they will accept. He said the Private Lands Public Wildlife Advisory Council is trying to craft solutions that do not create winners or losers.

SENATOR BECK asked about the amendment by FWP. He asked if he wanted to drop the price from \$110 to \$90 and if it was to be competitive with other states. **Pat Graham** stated the amendments were also presented in the House and were rejected. He said the amendments would put the fees back in line with SB 338. He said it would create a separate pheasant license. The commission would have authority to determine if a quota should be established and how much of a quota would be set on the sale of pheasant licenses. **SENATOR BECK** asked what the approximate cost of a drawing would be compared to the other drawings. **Pat Graham** explained the figure was on the Fiscal Note. It would cost \$30,000 based on the assumption the current 10,000 people all put in for a license.

SENATOR WELLS asked who are the 29 Montana wing shooting outfitters. **Scott Moscato** replied everyone of the outfitters are individually licensed outfitters with the State Board of Outfitters. They represent lodges, shooting preserves, groups of people who fish and other guide and outfitting activities in the state. **SENATOR WELLS** asked how much area does Mr. Moscato lease for outfitting. **Mr. Moscato** said about 35,000 acres. **SENATOR WELLS** asked if there is access on his land for resident hunters if they paid a fee. **Mr. Moscato** replied he competes on the adjacent properties with local billings, doctors and lawyers that leased the ground for their own private use. The resource is being consumed by resident as well as nonresident shooters.

SENATOR WELLS asked if there is or could there be a provision for party applications. **Pat Graham** responded the FWP does party applications for antelope and special elk hunts. He said it could be designed to accommodate party applications if that was his intent.

SENATOR WELLS asked if Representative Golie consider an amendment which would add a provision for the FWP to institute a party application system. **REPRESENTATIVE GOLIE** thought it would be a good idea.

SENATOR BISHOP said Montana has the lowest per capita income of any of the 50 states. It is obvious there is no way for Montana to compete with the rich out-of-state residents leasing the land. He asked what are the residents suppose to do and if what are you suppose to do if you are being run off your hunting ground. **Buck Taylor, Saco, MT**, said to get a hold of the fish and game to get your enhancements of your bird program going stronger. He said to establish the program on public lands and state lands. He does not think the program is run very well. He discussed his bird shooting preserve on the Beaver Creek. **SENATOR BISHOP** asked would good will it do for a person who does not have a lease if the birds are abundant. **Mr. Taylor** replied if the landowner bought a state land's permit he then can go and hunt the birds.

SENATOR ELLINGSON asked Mr. Moscato what his reaction would be if the bill was framed to increase the fee for nonresidents and cap the nonresident licenses at 10,000. **Scott Moscato** replied he is in favor of the increase of fee. He said achieving parity with the other states is a reasonable request. They are not concerned about the number of shooters, it is the amount of leased land. **SENATOR ELLINGSON** said the opponents were concerned about the economic impact on their operations. He stated if it was capped at a level which is approximately the amount being purchased now the economic impact would be minimal. **Mr. Moscato** replied the

outfitter's ability to control the land will be eliminated not eliminate the control of the land. People out of state will learn quickly if they want to hunt in Montana the best way is to lease the land themselves, do their own drawings, come to the state and control the land. He said the benefit of having a Montana resident as an outfitter providing the service which they provide for habitat management and game control will be lost. Thousands of birds can be put into the resource and the control of the habitat can be managed.

{Tape : 1; Side : B; Approx. Time Counter : 37.4}

Closing by Sponsor:

REPRESENTATIVE GEORGE GOLIE, HD 44, Great Falls, clarified HB 478 is not a Fish and Game bill. It is a bill brought about by him for the concerns of the sportsmen of the state. He said if the fee is raised, hunters will decrease for the first couple of years but they will be back. A nonresident can hunt all year if he wanted to. He said in 1983 there were 57,345 resident bird license sold in Montana compared to 33,914 in 1998. He said 23,431 missing resident hunters would have an impact on the economies of every large and small town in the state. The resident bird hunter is a resource. Resident upland bird hunters will never be able to compete with the nonresidents with their financial assets. HB 478 is a consensus of the majority of the House of Representatives.

HEARING ON HB 550

Sponsor: **REPRESENTATIVE BILL REHBEIN, HD 100, Lambert**

Proponents: **John Mundinger, MT Stockgrower's Association**

Opponents: **Craig Roberts, Pheasants Forever**
Dave Boever, Helena
Ben Deeble, Big Sky Upland Game Bird Association
Pete Supson, Helena Pheasants Forever
Bob Lucas, Big Sky Upland Game Bird Association
Jim McDermand, MT Wildlife Federation
Stan Frasier, MT Wildlife Federation

Informational: **Pat Graham, Fish, Wildlife and Parks**

Opening Statement by Sponsor:

REPRESENTATIVE BILL REHBEIN, HD 100, Lambert, said HB 550 eliminates pheasant release program and redistributes the money within the program. Pheasant Forever Chapter was concerned with

the death rate or the low survival rate of the chicks which are being released and the poor management of the program. There has been abuse in the program because the FWP did not manage the program properly and did not allow the chicks to grow and develop when released. He said 75% of the money goes towards range land improvements for wildlife enhancement, 5% allows for administration of the program. It allows 25% for the Fish and Game to use at their discretion such as wet lands along canyons and coulees. He explained why he wanted to redirect the money. He entered and discussed an amendment, **EXHIBIT(fis65a21)**.

{Tape : 2; Side : A; Approx. Time Counter : 0.8}

Proponents' Testimony:

John Mundinger, MT Stockgrower's Association, said the associations supports HB 550 and the proposed amendment. He said this is one way the sportsmen and landowners can work together cooperatively on areas of common interest. The increased emphasis on range land improvements, opposed to doing habitat enhancement in cultivated lands, is an opportunity to spend less money over larger acres. It is a way to enhance the habitats for Montana's native species.

Opponents' Testimony:

Craig Roberts, MT Pheasants Forever Organization, entered written testimony, **EXHIBIT(fis65a22)**.

Dave Boever, Helena, said there is no need to eliminate a successful program in order to fix a few program deficiencies. He said to correct the problem by placing a cap on bird releases by the individual based on available habitat. He listed the reasons why he is opposed to HB 550.

Ben Deeble, Big Sky Upland Bird Association, said in 1989 Senator Bishop helped the sportsmen and women by carrying SB 33, the Upland Bird Enhancement Act. He commented on what SB 33 did. He said HB 550 changes the Upland Game Bird Enhancement Act. The crop land owners will be left out of the program in favor of the range land owner as 70% of the funds are earmarked to range lands. The most popular, most hunted upland bird, is the wild pheasant. He said a good pheasant habitat is almost always adjacent to crop land not range land. He commented about how crop land is a good pheasant habitat. He said HB 550 also allows habitat projects and transplants of wild pheasants to lands leased by outfitters and shooting preserves.

Pete Sesselman, Pheasants Forever, opposed HB 550. The current program allows for comprehensive management of habitat. It allows them to deal with the complexities of management on a specific site. The passage of HB 550 will limit what the organization would do only to the area of range management. He said the current upland game bird program is extremely important to Montana and Montana's wildlife.

Bob Lucas, Big Sky Upland Game Bird Association, entered written testimony, **EXHIBIT(fis65a23)**.

Jim McDermand, MT Wildlife Federation, provided written testimony, **EXHIBIT(fis65a24)**.

Stan Frasier, MT Wildlife Federation, opposed HB 550.

Informational Testimony:

Pat Graham, Fish, Wildlife and Parks, entered written testimony, **EXHIBIT(fis65a25)**.

Questions from Committee Members and Responses:

SENATOR BISHOP asked about line 19 of the bill. He asked where is Representative Rehbein is going to get wild pheasants.

REPRESENTATIVE REHBEIN replied that was an amendment asked to be put on in the House Fish and Game Committee proposed by the Department Fish and Game. **SENATOR BISHOP** asked why would anybody put money into range land improvements when pheasants are a crop land bird. **REPRESENTATIVE REHBEIN** said there is a lot of good hunting opportunity on range land. Two years ago there was a switch in funding towards CRP grass seed away from range land improvement where it was previously used.

Closing by Sponsor:

REPRESENTATIVE BILL REHBEIN, HD 100, Lambert, said the Richland County Chapter of Pheasants Forever asked him to bring the bill forward to eliminate the program in its entirety. He said HB 2 does limit the program as it is now but does not correct the program or provide any direction for FWP.

{Tape : 2; Side : A; Approx. Time Counter : 23.5}

HEARING ON HB 267

Sponsor: REPRESENTATIVE BRAD MOLNAR, HD 22, Laurel

Proponents: Gary Sturm, Prickly Pear Sportsmen
Jim McDermid, Russell Country Sportsmen
Stan Frasier, MT Wildlife Federation

Opponents: John Mundinger, MT Stockgrower's Association
Jean Johnson, MT Outfitters and Guides Association
Mary Ellen Schnur, Gold West Country

Informational: Pat Graham, Fish, Wildlife and Parks

Opening Statement by Sponsor:

REPRESENTATIVE BRAD MOLNAR, HD 22, Laurel, said since 1988 Montana has sold no individual B-7 licenses because the B-10 deer combination license. It was a concern that Montana might add 5,000 nonresident deer tags during a time when we are restricting deer hunting all over the state because of no deer. In 1998 Montana issued 47 B-7 licenses. We did not need 47 more nonresident deer hunters in the State of Montana to handle surplus deer, or because for lack of hunters, or there were 47 too many bucks. He discussed the Fiscal Note and why there is no fiscal impact. He diagramed and explained how a B-7 license became a B-10 license. The biggest complaint from the ranchers was there were too many people were knocking on their door and there were no deer.

Proponents' Testimony:

Gary Sturm, Prickly Pear Sportsmen, entered written testimony, **EXHIBIT**(fis65a26).

Jim McDermid, Russell Country Sportsmen, support HB 267 because it would restore the original intent of capping the number of nonresident big game licenses available for sale. He said splitting one license into two parts is a back door approach to making more licenses available for the nonresident hunters.

Stan Frasier, MT Wildlife Federation, represented John Gibbons from the Billings Rod and Gun Club. They support HB 267 and believe the cap should be a real number not a floating number.

{Tape : 2; Side : A; Approx. Time Counter : 31.8}

Opponents' Testimony:

John Mundinger, MT Stockgrower's Association, does not understand what the problem is that the bill is intended to solve. He also does not understand that HB 267 is a solution. He does

understand the bill is related to the ongoing issue Montana has regarding public access to hunt wildlife on private land. The bill is intended more to pit one interest against another than it is to articulate a problem in a way the people can sit down and work on it together.

Jean Johnson, MT Outfitters and Guides Association, said SB 394, which was passed during last session, was to allow for better wildlife management. She commented on the intent of SB 394. She said 17,000 licenses can be split if the buyer chooses not to take a deer license. She noted the 5,000 licenses come from a figure which was politically and socially acceptable years ago. She commented on how the figure of 5,000 licenses was determined. She said the bill does not make more deer licenses available. The licenses are already available. She said all HB 267 does is eliminate one tool the commission has. She said the bill is anti-landowner and an anti-hunter bill.

Mary Ellen Schnur, Gold West Country, said the comment about the very wealthy nonresident hunter struck a nerve with her. She commented about the outfitting business her family has run for 28 years. She commented about the nonresident hunters they have had at their business. She said the nonresident hunters do not deserve to be victims of jealousy which they are subjected to by this kind of accusation and bill. She supported Jean Johnson's comments.

Informational Testimony:

Pat Graham, Fish, Wildlife and Parks, provided written testimony, **EXHIBIT**(fis65a27).

{Tape : 2; Side : A; Approx. Time Counter : 42.8}

Questions from Committee Members and Responses:

SENATOR WELLS asked what Representative Molnar's reaction to the amendments proposed by FWP. **REPRESENTATIVE MOLNAR** replied he considered them hostile amendments. He said the amendment states, "reasonable public access" which includes fee hunting. It means they will sell the big bucks for \$3,000 dollars for a five-day hunt and on the last day they will let people come in and shoot white tail off their hay stack. He does not want to reward somebody for those actions. He commented about discussion on the House Floor. He said to say we need 1500 more deer hunters when Montana has no deer is not a defenseable position anyone can take at this time.

{Tape : 2; Side : B; Approx. Time Counter : 0}

Closing by Sponsor:

REPRESENTATIVE BRAD MOLNAR, HD 22, Laurel, said there is 13,000 square miles in Montana are being leased by outfitters. The public lands which have no reasonable access in Montana is about 13,000. He said the rancher on the landowner split which have 2300 licenses block off another 13,000 square miles blocked off. He said blocked public land has closed off nearly 13,000 acres. He said the bill does not solve any problem. He is stopping the problem before they have to solve it. He commented on the opponent's testimony.

{Tape : 2; Side : B; Approx. Time Counter : 6}

HEARING ON HB 548

Sponsor: **REPRESENTATIVE BOB RANEY, HD 26, Livingston**

Proponents: **Stan Frasier, MT Wildlife Federation**
Janet Ellis, MT Audubon
Jerry Wells, Trout Unlimited
Dustin Doane, MT Wildlife Federation
Cary Hegreberg, MT Wood Products
Patrick Heffernan, Montana Logging Association

Opponents: **Bob Waddell, Blue Sky Hatchery**
Dennis Kavanagh, Missouri Headwaters Gun Dog Club
Nick Forester, Self
Mike Sedlock, Walleyes Unlimited of MT
Mary Ellen Schnur, Montana Chapter of the
Foundation for North America Wild Sheep
Tony Fowler, Self

Informational: **Pat Graham, Fish, Wildlife and Parks**
John Mundinger, MT Stockgrower's Association

Opening Statement by Sponsor:

REPRESENTATIVE BOB RANEY, HD 26, Livingston, said the Secretary of Interior came to Montana in 1998 and listed the bull trout as a threatened species. The Yellowstone Cutthroat and the West Slope Cutthroat are presently species of special concern. He said when a native species is listed on the threatened species list, the Federal Government immediately begins drawing up rules and regulations which we must live under. The rules and regulations significantly affect land use practices, how you farm or ranch land, what we do in our communities and industries. When new species are entered in, they often start competition

with the native species. He commented on types of fish which are in competition. He said the competition between introduced species and native species goes beyond fish as well to birds, mammals and to shrimp which destroyed the entire fishery of Flathead Lake. The bill says if a species of fish, bird or animal has ever been here either by God putting them here in the beginning or they migrated here or the agency put them here at some point in time then they can be brought in and put there again. But if they have not ever been there before then they cannot be put there. He acknowledged the problem of the Bobwhite quail.

Proponents' Testimony:

Stan Frasier, MT Wildlife Federation, said there are many examples of problems caused by introduced species, insects and plants. He gave an example of knapweed and killer bees.

Janet Ellis, MT Audubon, said MT Audubon has been concerned over importation and transplantation issues for a long time with exotic wildlife. She said HB 548 tightens down a law initiated in the mid 1980's.

Jerry Wells, Trout Unlimited, support HB 548. They believe the bill will send a strong message for the future. The bill will also allow the state to continue the efforts to restore native species. The bill closes the door on future introductions and continues to allow for the restoration of species which are in trouble of extinction.

Dustin Doane, MT Wildlife Federation, said HB 548 encourages the protection of historic wildlife in Montana. The Federation has been protecting wildlife in Montana for over 60 years for the sake of Montana sportsmen.

Cary Hegreberg, MT Wood Products, said it is no secret the Endangered Species Act has been a burden on the forest products industry and communities throughout the western states. They feel it is time for a timeout on the introduction of nonnative species. It is time to take a hard look on how we have managed species and take a broad look at how we are going to lead to recover for the species currently on the list.

Patrick Heffernan, Montana Logging Association, support HB 548 and are pleased Montana is going to try and avoid the conflicts with introduced species in the future.

{Tape : 2; Side : B; Approx. Time Counter : 15.5}

Opponents' Testimony:

Bob Waddell, Blue Sky Hatchery and Game Bird Farm and Western Game Bird Association, said they do have concerns about the Bobwhite quail and several other birds being considered in HB 548. He commented about the history of Montana wildlife management. He asked to either take all the birds off the list or put them all on.

Dennis Kavanagh, Missouri Headwaters Gun Dog Club, said the club does training with Bobwhite quail and other birds. He said if the birds are not included in HB 548, they will not be able to do any training. He said if the bill is amended to include the birds, they will support the bill.

Nick Forester, entered a witness statement, **EXHIBIT(fis65a28)** and a letter from Mac Farlane Pheasant Farm, **EXHIBIT(fis65a29)**.

Mike Sedlock, Walleyes Unlimited of MT, entered written testimony, **EXHIBIT(fis65a30)**.

Mary Ellen Schnur, Montana Chapter of the Foundation for North America Wild Sheep, entered written testimony, **EXHIBIT(fis65a31)**.

Tony Fowler, Self, said the bill should be divided since it deals with both birds and fish. He said they are two separate problems if there are any. He said there is a law in effect which says if anybody that finds Bobwhite quail loose in the state they can shoot them year round. There will never be a problem of Bob White Quayle propagating in the wild and creating a problem.

Informational Testimony:

Pat Graham, Fish, Wildlife and Parks, entered written testimony, **EXHIBIT(fis65a32)**.

John Mundinger, MT Stockgrower's Association, said they do not have a problem of the bill. Some stockgrower members who have licensed game bird farms. They have been placing birds throughout Montana in a manner which is legal and consistent with the provisions of Title 87 part 5. They would be prohibited from continuing that activity the way the bill is presently constructed. He stated they attempted to constructed an amendment to fix the problem but the way the bill is constructed they did not know how to put together an amendment without disrupting the bill.

{Tape : 2; Side : B; Approx. Time Counter : 33.7}

Questions from Committee Members and Responses:

SENATOR DOHERTY asked what Representative Raney's reaction to the amendments proposed by FWP. **REPRESENTATIVE RANEY** replied he was happy to accept the amendments. The amendment will put a lot of public process where people who are opposed to the bill will have plenty opportunity to comment.

SENATOR SWYSGOOD asked what guarantee is there that the Federal Government is going to recognize any efforts Montana makes in trying to recover the endangered species without putting them on the list. **REPRESENTATIVE RANEY** replied we are beginning to remove endangered species up to threaten and moving threatened up to concern and moving concerned off the list. Two key components in moving species on the list are the species has to begin recovery and the state has to show it is involved actively in proceeding towards the recovery of those species. There is consideration of delisting the grizzly bear.

Closing by Sponsor:

REPRESENTATIVE BOB RANEY, HD 26, Livingston, said the Department's amendments should take care of the walleye opposition. He said the only problem in the bill for people whose interests are birds is the Bobwhite quail. All other birds mentioned can presently be brought in. He was willing to work with those people to help solve the problem.

{Tape : 2; Side : B; Approx. Time Counter : 38.5}

HEARING ON HB 629

Sponsor: **REPRESENTATIVE DOUG MOOD, HD 58, Seeley Lake**

Proponents: **Fred Lurie, Big Blackfoot Chapter of Trout Unlimited**
Pat Graham, Fish, Wildlife and Parks
Jerry Wells, Trout Unlimited

Opponents: **None.**

Opening Statement by Sponsor:

REPRESENTATIVE DOUG MOOD, HD 58, Seeley Lake, said HB 629 calls for the Department of Fish, Wildlife and Parks to conduct a comprehensive study of the Blackfoot River use and conflict. He commented on an article from the *Missoulian*. He was calling the FWP to continue to study the conflicts which exist on the Blackfoot River. He said through his observation the use of the

river has grown exponentially in the last 10 years. He hopes to bring the various users who recreate on the river and the landowners together and divert some of the conflicts.

{Tape : 3; Side : A; Approx. Time Counter : 0}

Proponents' Testimony:

Fred Lurie, Big Blackfoot Chapter of Trout Unlimited, said the primary interest of the chapter is preservation and restoration of the natural resources of the Blackfoot River. During the past decade there has been a dramatic increase in the recreational use of the river. Since continued increases in recreational use will inevitably lead to damage to the natural resource. The collection of comprehensive data by the FWP detailing recreational use of the river will be essential in formulating any additional recreational management actions by FWP or the legislature.

Pat Graham, Fish, Wildlife and Parks, entered written testimony, **EXHIBIT (fis65a33)**.

Jerry Wells, MT Council of Trout Unlimited, said HB 629 will provide the next step for the next legislative session to address actual recommendations for management actions which are long over due on the river.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REPRESENTATIVE DOUG MOOD, HD 58, Seeley Lake, believed the Blackfoot River Management Plan was amended into the bill as the basis for the study.

{Tape : 3; Side : A; Approx. Time Counter : 4.8}

EXECUTIVE ACTION ON HB 629

Motion/Vote: SEN. BECK moved that HB 629 BE CONCURRED IN. Motion carried unanimously.

{Tape : 3; Side : A; Approx. Time Counter : 5; Comments : Tape stopped for 10 minutes}

EXECUTIVE ACTION ON HJR 4

Leanne Kurtz entered amendment HJ000402.alk, **EXHIBIT(fis65a34)** and amendment HJ000401.alk, **EXHIBIT(fis65a35)**.

Motion: **SEN. MCCARTHY** moved that **HJR 4 BE CONCURRED IN.**

Motion: **SEN. DOHERTY** moved that **HJ000402.ALK BE ADOPTED.**

Discussion:

SENATOR DOHERTY explained amendment.

SENATOR BECK asked if Senator Doherty had anyone in mind for the third party. **SENATOR DOHERTY** replied he is not sure. He thought a third party review by someone who is not affiliated with the state or with the Federal Government is a reasonable thing to do.

Vote: Motion failed 5-6 with Bishop, Doherty, Ellingson, Franklin, and McCarthy voting aye.

Motion: **SEN. DOHERTY** moved that **AMENDMENT HJ000401.ALK BE ADOPTED.**

Discussion:

SENATOR DOHERTY explained amendment.

SENATOR SWYSGOOD asked if she was striking all the language on line 6 through line 10. **SENATOR DOHERTY** replied he thought so.

Leanne Kurtz explained the amendment.

SENATOR SWYSGOOD spoke against the amendment. **SENATOR DOHERTY** replied the committee heard testimony there is a study being conducted. He explained the amendment more in depth. He urged the adoption of the amendment.

SENATOR BECK commented on amendment #3, #4 and the "where as".

SENATOR MCCARTHY said she could support some amendments but not all of them.

Vote: Motion failed 4-7 with Bishop, Doherty, Ellingson and Franklin voting aye.

Vote: Motion carried with Bishop, Doherty, Ellingson and Franklin voting no.

{Tape : 3; Side : A; Approx. Time Counter : 19.1}

EXECUTIVE ACTION ON HB 314

Leanne Kurtz entered amendment HB031404.ads, **EXHIBIT(fis65a36)**.

Motion: SEN. ELLINGSON moved that **AMENDMENT HB31404.ADS BE ADOPTED.**

Discussion:

SENATOR ELLINGSON explained amendments.

SENATOR BECK said the amendments don't hurt anything. The amendment does take it from being strict.

Vote: Motion **carried unanimously.**

Leanne Kurtz entered amendment HB031401.amv, **EXHIBIT(fis65a37)**.

Motion: SEN. BECK moved that **AMENDMENT HB031401.AMV BE ADOPTED.**

Discussion:

SENATOR BECK explained amendment.

Vote: Motion **carried unanimously.**

Leanne Kurtz entered and explained amendment HB031401.alk, **EXHIBIT(fis65a38)**.

Motion/Vote: SEN. MCCARTHY moved that **AMENDMENT HB031401.ALK BE ADOPTED.** Motion **carried unanimously.**

Motion/Vote: SEN. DOHERTY moved that **HB 314 BE CONCURRED IN AS AMENDED.** Motion **carried 7-5** with Beck, Bishop, Crismore, Ekegren, and Taylor voting no.

{Tape : 3; Side : A; Approx. Time Counter : 31.2}

EXECUTIVE ACTION ON HB 316

Motion: SEN. DOHERTY moved that **HB 316 BE CONCURRED IN.**

Discussion:

SENATOR MCCARTHY asked if page 2 and page 3 are struck. SENATOR DOHERTY replied yes. SENATOR MCCARTHY asked where Chief Plenty

Coups State Park is located. **SENATOR DOHERTY** said it is south of Billings on the Crow Reservation.

Vote: Motion carried 7-5 with Beck, Crismore, Ekegren, Taylor and Mesaros voting no.

{Tape : 3; Side : A; Approx. Time Counter : 34}

EXECUTIVE ACTION ON HB 438

Motion/Vote: SEN. SWYSGOOD moved that HB 438 BE TABLED. Motion carried 9-3 with Doherty, Ellingson and Franklin voting no.

{Tape : 3; Side : A; Approx. Time Counter : 36.3}

EXECUTIVE ACTION ON HB 440

Motion/Vote: SEN. CRISMORE moved that HB 440 BE TABLED. Motion carried 10-2 with Bishop and Wells voting no.

{Tape : 3; Side : A; Approx. Time Counter : 37.8}

EXECUTIVE ACTION ON HB 633

Leanne Kurtz entered amendment HB063302.alm, **EXHIBIT(fis65a39)** and amendment HB063305.alm, **EXHIBIT(fis65a40)**. She explained amendment HB063302.alm.

Motion/Vote: SEN. SWYSGOOD moved that **AMENDMENT HB063302.ALM BE ADOPTED**. Motion carried unanimously.

Motion/Vote: SEN. SWYSGOOD moved that **AMENDMENT HB063305.ALM BE ADOPTED**. Motion carried unanimously.

Motion: SEN. SWYSGOOD moved that **HB 633 BE CONCURRED IN AS AMENDED**.

Discussion:

SENATOR DOHERTY said the testimony by the opponents was compelling and the bill is needed. He opposed Senator Swysgood's motion to table.

Substitute Motion/Vote: SEN. MCCARTHY made a substitute motion that **HB 633 BE TABLED**. Substitute motion carried 7-5 with Crismore, Ekegren, Mesaros, Swysgood and Wells voting no.

{Tape : 3; Side : B; Approx. Time Counter : 0}

EXECUTIVE ACTION ON HB 533

Motion: SEN. DOHERTY moved that **AMENDMENT BY Fish, Wildlife and Parks BE ADOPTED.**

Discussion:

Leanne Kurtz entered amendment by Fish, Wildlife and Parks, **EXHIBIT(fis65a41)**.

Pat Graham explained amendment.

SENATOR SWYSGOOD said the amendments make a bad bill better. He still didn't like the bill.

SENATOR DOHERTY thought the committee should adopt the amendments.

Vote: Motion **carried 11-1 with Swysgood voting no.**

Motion: SEN. DOHERTY moved that **HB 533 BE CONCURRED IN AS AMENDED.**

Discussion:

SENATOR SWYSGOOD said they are setting a bad precedence. He said kids who are 15, 16 and 17 are getting free licenses for upland game bird and fishing and free licenses on migratory birds. He asked if they get the deer, elk and combination license for 1/2 price. **Pat Graham** replied they get the license at full price.

SENATOR SWYSGOOD said he can understand getting youth involved in hunting and everything. Most parents take it upon themselves to take their kids hunting and buy the license. There is a price attached to the privilege to hunt. The prices for resident hunters are fair and equitable. He said the bill is a bad move to exempt the age group from having to pay for certain licenses.

SENATOR WELLS said he agreed with Senator Swysgood. Teenagers spend a lot of money at shopping malls and for electronic items. He appreciated the comments from Senator Swysgood. He does encourage people to start hunting and fishing at an early age but it should be up to the parents. He does not think the dollar value will make a difference. He thinks some value should be installed.

SENATOR DOHERTY said kids do not appreciate things like they use to. The statistics on the number of youth not getting involved in hunting and fishing are alarming to him. He said the bill would make an impact, make it easier, and they should do this for the next generation.

Vote: Motion failed 5-7 with Beck, Doherty, Ellingson, Franklin, and McCarthy voting aye.

Motion/Vote: SEN. SWYSGOOD moved that HB 533 BE TABLED. Motion carried 7-5 with Beck, Doherty, Ellingson, Franklin, and McCarthy voting no.

EXECUTIVE ACTION ON HB 534

Motion/Vote: SEN. DOHERTY moved that HB 534 BE TABLED. Motion carried unanimously.

{Tape : 3; Side : B; Approx. Time Counter : 12.2}

EXECUTIVE ACTION ON HB 478

Motion: SEN. CRISMORE moved that HB 478 BE TABLED.

Discussion:

SENATOR MESAROS said he would allow some discussion.

SENATOR DOHERTY said nobody opposed raising the fee. He said party licenses could be taken care of with an amendment which says the FWP Commission shall develop a party license for use in the drawing system. The number of resident bird hunters has dropped dramatically and the number of nonresident bird hunters had doubled. He had concerns for the people who are in the outfitting business and who are relying on the business. He said if the committee didn't establish a cap on the license now, the next time the legislature met the number will increase. He suggested capping the licenses at 10,000.

Substitute Motion: SEN. DOHERTY made a substitute motion that HB 478 BE CONCURRED IN.

Discussion:

SENATOR WELLS said he thinks there is a limit and all good things need to have a limit or they do get out of control. He would support raising the cap to 10,000 permits. He thinks the bill needs to amend the bill to allow for the party application and to

raise the fee. He commented about how hard it is to find a place to hunt birds. He believes the resident hunters are going to have to form hunt clubs and plan to pay more to obtain lease rights. He does not like to continue to provide the income for outfitters and the sport for out-of-state residents at the expense of in-state hunters.

SENATOR DOHERTY said he would amend the number to 10,000 permits and to add a subsection 4 which would state the commission shall develop party application procedures for use in the drawing system.

Motion: **SEN. DOHERTY** moved that **PROPOSED AMENDMENT BE ADOPTED.**

Discussion:

SENATOR BECK asked if the licenses could be distributed on a first come first serve basis and would it save the FWP \$30,000.

Pat Graham said under the new automatic licensing system which would be in effect in 2001, he believed they could do it on a first come first serve basis. He said the problem now is they don't have the licenses and locations where the people are coming to because they are dealing with the paper base system. The people who would be disadvantaged would be someone who would want to come here but does not show up until the day they are ready to hunt. He said the first come first serve distribution could be done after 2001. **SENATOR BECK** said by the time 2001 comes the legislature will have met again. If it appears to be a real problem they can address it at that time. He said he goes along with raising the fee from \$55 to either \$80 or \$90 dollars. He thinks that will take-away 250 permits.

SENATOR MESAROS said this issue has been discussed through the Private Lands Public Wildlife Council and reviewed at length. He said the idea of whether a cap should be applied to this type of licenses. It was an agreement that the nonresident fee should be increased but an agreement after full review and public review they decided they didn't want to pursue placing a cap on the licenses. The increased fee of \$90 is in another bill.

SENATOR BECK asked if the committee raised the fee to \$90 dollars and didn't establish a cap at this time to see what it does to nonresident hunters. He asked if Senator Doherty would be receptive to come back in the year 2001 if the cap is necessary.

SENATOR DOHERTY said he does not have any great investment in whether the number is 115 or 90. He believed the committee needs to place a cap on the licenses because there will be an additional landowners who will show up and say if they put a cap on the licenses it will put them out of business. **SENATOR BECK**

suggested placing the cap at 12,000 so they don't have to go through the drawing process.

SENATOR CRISMORE was opposed to any cap. He wanted the state to try to improve the amount of pheasants and use it as a sport for the residents and the nonresidents.

SENATOR SWYSGOOD asked if the fee was increased in another bill. **SENATOR MESAROS** replied yes and the bill was under consideration in the House. **SENATOR SWYSGOOD** asked if Senator Doherty's amendment was just dealing with the cap at 10,000. **SENATOR DOHERTY** responded yes. He said he had not talked about changing the fees.

SENATOR SWYSGOOD asked if the amendment was allowing for party application. **SENATOR DOHERTY** replied yes. He suggested capping the licenses at 11,000. **SENATOR SWYSGOOD** spoke against the amendment and the bill. He did not think it was proper at this time. He said there wasn't an indication from the FWP that this was necessary. The Public Lands Council reviewed the issue and did not come forward with a recommendation.

SENATOR WELLS agreed with Senator Beck's comments on trying to establish a cap which is higher than the recent sell to see if the increase in permit fees would cause it not to exceed the cap. He didn't think going to 12,000 was a good idea.

SEN. DOHERTY withdrew his initial amendment for the cap at 10,000.

Motion/Vote: **SEN. DOHERTY** moved that **PROPOSED AMENDMENT FOR A CAP AT 11,000 AND PARTY APPLICATION BE ADOPTED**. Motion carried 9-3 with Bishop, Mesaros and Swysgood voting no.

Motion/Vote: **SEN. ELLINGSON** moved that **HB 478 BE CONCURRED IN AS AMENDED**. Motion failed 4-8 with Doherty, Ellingson, Franklin and Wells voting aye.

Motion/Vote: **SEN. SWYSGOOD** moved that **HB 478 BE TABLED**. Motion carried 8-4 with Doherty, Ellingson, Franklin and Wells voting no.

{Tape : 3; Side : B; Approx. Time Counter : 30.2}

EXECUTIVE ACTION ON HB 550

Motion/Vote: **SEN. SWYSGOOD** moved that **HB 550 BE TABLED**. Motion carried unanimously.

{Tape : 3; Side : B; Approx. Time Counter : 32.3}

EXECUTIVE ACTION ON HB 548

SENATOR MESAROS said if amendments were going to be considered, the amendments would need further review.

Leanne Kurtz said Representative Raney wanted to add an exemption for all species of quail and there might be some complications in adding the exemption.

Motion/Vote: **SEN. SWYSGOOD** moved that **HB 548 BE TABLED**. Motion carried 9-3 with Doherty, Ellingson and Franklin voting no.

EXECUTIVE ACTION ON HB 267

Motion/Vote: **SEN. SWYSGOOD** moved that **HB 267 BE TABLED**. Motion carried 9-3 with Bishop, Doherty and Wells voting no.

{Tape : 3; Side : B; Approx. Time Counter : 35.3}

EXECUTIVE ACTION ON HB315

Leanne Kurtz entered amendment by FWP, **EXHIBIT(fis65a42)**.

Motion: **SEN. WELLS** moved that **AMENDMENT #4 BY THE FISH, WILDLIFE AND PARKS BE ADOPTED**.

Discussion:

SENATOR WELLS explained amendment.

SENATOR SWYSGOOD said he didn't like the bill. He asked if the amendment made the bill more restrictive in section 3 than currently. **SENATOR WELLS** said he didn't recall but believed the amendment does not make it any more restrictive. He referred to line 26 on page 3.

SENATOR BECK noted Fish, Wildlife and Park prepared the amendments. He asked if Arnie Olsen could answer if the amendment makes the bill more restrictive or less restrictive. **Arnie Olsen** replied less.

SENATOR ELLINGSON noted a new section and asked if it will replace the existing section 2 of the bill. **Leanne Kurtz** said the amendments strike sections 2 and 3 in the bill and replaces them with new sections 2 and 3 in the amendment. **SENATOR ELLINGSON** said the original bill designated a number of primitive

fishing sites in the original section 2. He said now all of the designations are taken out of the bill and substituted with the new section 2 which allows FWP to designate those fishing sites which are to be considered primitive. He said the policy decision for the committee is whether or not it is a good idea to leave it with FWP or whether it is a better idea to put it into the statute.

{Tape : 4; Side : A; Approx. Time Counter : 0}

SENATOR MCCARTHY said the new amendment does not define primitive sites. She asked Leanne Kurtz to define it. **Leanne Kurtz** referred the question to Arnie Olsen. **Arnie Olsen** replied section 3 defines what a primitive site is because it indicates what can't happen there. He said the amendments takes a basis of an arm rule and put it into statute without actually listing the sites.

Vote: Motion **carried 10-2 with Doherty and Ellingson voting no.**

Leanne Kurtz said the passage of these amendments make Senator Ekegren's amendments and other amendments by Representative Raney mute because they were amending sections 2 and 3 in the bill.

Motion/Vote: **SEN. BECK** moved that **HB 315 BE TABLED. Motion carried 8-4 with Doherty, Ellingson, Franklin and Wells voting no.**

ADJOURNMENT

Adjournment: 7:25 P.M.

SEN. KEN MESAROS, Chairman

ADRIENNE PILLATZKE, Secretary

KM/AP

EXHIBIT(fis65aad)